

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Section 308
Title 14, California Code of Regulations
Re: Brush, Cottontail and Pigmy Rabbits, and Varying Hare (Snowshoe)

I. Date of Initial Statement of Reasons: January 14, 2002

II. Dates and Locations of Scheduled Hearings:

- | | |
|-------------------------|--|
| (a) Notice Hearing: | Date: February 9, 2002
Location: Sacramento, California |
| (b) Discussion Hearing: | Date: March 8, 2002
Location: San Diego, California |
| (c) Discussion Hearing: | Date: April 5, 2002
Location: Long Beach, California |
| (d) Adoption Hearing: | Date: April 25, 2002
Location: Sacramento, California |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Existing regulations allow the taking of brush and cottontail rabbits statewide. A subspecies of brush rabbit, the riparian brush rabbit (*Sylvilagus bachmani riparius*), which is listed as "Endangered" by both the Fish and Game Commission and U.S. Fish and Wildlife Service, was thought to exist largely in Caswell Memorial State Park in southern San Joaquin County. No hunting is allowed in this park. Recent information indicates that this endangered subspecies also occurs in an additional area of San Joaquin County located between Stockton and Tracy. The closure of this additional area to cottontail and brush rabbit hunting is proposed to protect these rabbits. The prohibition of cottontail hunting is included because brush rabbits can't readily be distinguished from cottontails under hunting conditions.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, and 203, Fish and Game Code.

Reference: Sections 200-203.1, 207, and 222, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change:

2002 Draft Environmental Document Regarding Hunting of Resident Small Game Mammals.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meeting are being held prior to the notice publication. The proposed change would affect a very small of rabbit hunters, if any.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

Closure of a larger area (for example, all of San Joaquin County) to rabbit hunting was considered and rejected as unnecessary. Should the riparian brush rabbit be found in additional locations, a larger closure can be considered in the future.

(b) No Change Alternative:

The no change alternative was considered and found inadequate to prevent the potential take of an endangered subspecies of rabbit by hunters.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Because the proposed change affects a very small portion of the area open hunting, it is expected to be economically neutral.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations allow the taking of brush and cottontail rabbits statewide. The Department recently has received additional information regarding the range of a subspecies of brush rabbit classed as endangered. This subspecies, the riparian brush rabbit, was thought to occur only in Caswell Memorial State Park in southern San Joaquin County, where hunting is prohibited. Recent information indicates that it also occurs in an additional area of San Joaquin County located between Stockton and Tracy. The proposed regulation change would amend Section 308 to close the area of this recently discovered population to the take of brush and cottontail rabbits. Cottontails are included in the closure because brush rabbits can't readily be distinguished from cottontails under hunting conditions.